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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,759	01/02/2002	Norman C. Pyle	10011316-1	7530

22879 7590 06/29/2005

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EXAMINER

GAGLIOSTRO, KEVIN M

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,759

Applicant(s)

PYLE ET AL.

Examiner

Kevin M. Gagliostro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-20 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed on 02/15/2005, with respect to the rejection(s) of claims 1-20 under 102(e) and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 6,400,903 to Conoval and U.S. Patent No. 6,889,191 to Rodriguez et al.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 7, 8, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,400,903 to Conoval.

Conoval clearly shows all of the limitations recited in claim 1. See all material cited within the specification. Referring to claim 1, Conoval describes a method for enabling an image capture system to respond to at least one command transmitted by a foreign remote control that is associated with a first device, the method comprising the steps of:

- a) Training (protocol training) the image capture system (digital camera 2 with enclosure 1 together) (Conoval: column 8, lines 41-43 and figure 1A-B) to respond to at least one command ("take photo" protocol and command format) that is received from the foreign remote control (within enclosure 1) (Conoval: column 8, lines 37-49 and figures 1A-B); and
- b) Employing the foreign remote control to access (intercept) at least one function ("take photo" protocol and command format) of the trained image capture system (camera) (Conoval: column 6, lines 38-62).

Conoval clearly shows all of the limitations recited in claim 7. See all material cited within the specification. Referring to claim 7, Conoval describes the method of claim 1 wherein the image capture system includes a digital image capture device (or digital camera 2) (Conoval: column 8, lines 37-49 and figure 1A).

Conoval clearly shows all of the limitations recited in claim 8. See all material cited within the specification. Referring to claim 8, Conoval describes the method of claim 7 wherein the digital image capture device includes one of a digital camera and a digital video camera (Pal video camera) (Conoval: column 2, lines 1-5).

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Conoval clearly shows all of the limitations recited in claim 9. See all material cited within the specification. Referring to claim 9, Conoval describes the method of claim 7 wherein the image capture system further includes a docking station for receiving the digital image capture device. Specifically, Conoval describes the patent as claiming priority to application No. 60/173,021 entitled "Remote Camera Relay Controller and Docking Apparatus" (Conoval: column 1, lines 6-9). Also, note that camera 2 is mounted on to a "cradle"-like apparatus on enclosure 1 (Conoval: column 8, lines 37-49 and figure 1A).

Conoval clearly shows all of the limitations recited in claim 10. See all material cited within the specification. Referring to claim 10, Conoval describes the method of claim 1 wherein the image capture system includes a docking station for receiving a digital image capture device (as stated in claim 9);

Wherein the docking station includes at least one accessible function. Specifically, Conoval describes the controller 69 (within enclosure 1) having a multitude of external functions (function programs 78) for controlling the camera positioning, electromechanical switch actuation, zoom lens control, infrared illuminators, etc. (Conoval: column 14, lines 40-67; column 15, line 1; and figure 6A). Further note that the local host first notifies controller 69 that a camera command sequence to the remote camera is about-to occur by first sending a function ID tag to the controller followed by a unique trigger command that indicates the pending action (Conoval: column 16, lines 22-29 and figure 6E).

4. Claims 11, 12, 13, 14, 15, 17, 18, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,889,191 to Rodriguez et al.

Rodriguez clearly shows all of the limitations recited in claims 11 and 17. See all material cited within the specification. Referring to claims 11 and 17, Rodriguez describes an image capture system comprising:

a) A first function that is accessible by a user (control commands performing a handshaking during a set-up or initialization stage wherein a first function is a "start" command) (Rodriguez: column 18, lines 42-62);

b) A proxy-based remote control mechanism (DCHT) for receiving commands from a foreign remote control 480 (Rodriguez: column 2, lines 19-35; column 10, lines 22-67; figures 2 and 3),

For associating at least one received command with the first function (voice activated commands instructing one or more functions) of the image capture system (Rodriguez: column 4, lines 58-67; column 5, lines 1-6), and

For storing the association between the received command and the first function in an association table during a training mode (step of comparing at least a portion of decompressed digitized speech to a dictionary (association table), where the

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dictionary of speech segments are pre-programmed by a user (Rodriguez: column 2, lines 62-67; column 3, lines 1-8);

Wherein the proxy-based remote control (remote control 480) mechanism during operation receives commands from the foreign remote control, decodes the received commands by employing the association table, and allows the foreign remote control to access the function of the image capture system corresponding to the decoded command (Rodriguez: column 15, lines 60-67; column 16, lines 1-9).

Further note that Rodriguez describes the proxy-based remote control mechanism (DCHT) being used with an image capture system (camera) in that the DCHT 14 may include wireless or wired communication interfaces, or ports, for receiving or transmitting data to other devices such as a USB connection to a camera (Rodriguez: column 10, lines 55-62).

Rodriguez clearly shows all of the limitations recited in claims 12 and 18. See all material cited within the specification. Referring to claims 12 and 18, Rodriguez describes the image capture system of claim 11 and the image capture system of claim 17 wherein the proxy-based remote control mechanism (or means) includes:

A command receiver (or means) for receiving commands from the foreign remote control;

A command decoder (or means) (home communication terminal with a speech decoder) for decoding the received commands by employing the association table (comparison component of one more commands that must be comprised of a list or a table (dictionary of terms)) (Rodriguez: column 4, lines 19-44); and

A command training facility (or means) (home communication terminal includes a training procedure application) for enabling the foreign remote control to access a function of the image capture system that is associated with the decoded command (dictionary of terms are associated with one or more commands) (Rodriguez: column 4, lines 58-67; column 5, lines 1-6).

Rodriguez clearly shows all of the limitations recited in claims 13 and 19. See all material cited within the specification. Referring to claims 13 and 19, Rodriguez describes the image capture system of claims 11 and 17 that includes a reminder mode;

Wherein the proxy-based remote control mechanism (DHCT 14) includes a reminder mode module for generating a representation of a user interface function in response to receiving a command from the foreign remote control when the reminder mode is enabled; Wherein the reminder mode module enables a user to determine a function of the image capture system that is associated with any button on the foreign remote control (dictionary 458 has user associated commands displayed on the GUI display 448, for example the instructions to press the first button and describing it as the "enable microphone" button 893) (Rodriguez: column 25, lines 29-59).

Rodriguez clearly shows all of the limitations recited in claim 14. See all material cited within the specification. Referring to claim 14, Rodriguez describes the image capture system of claim 11, wherein the image capture system includes a digital image capture device (DHCT 14 can digitize and compress picture from a camera (or image capture device) for upstream transmission) (Rodriguez: column 11, lines 18-21).

Rodriguez clearly shows all of the limitations recited in claim 15. See all material cited within the specification. Referring to claim 15, Rodriguez describes the image capture system of claim 14 wherein the digital image capture device includes one of a digital camera (see claim 14) and a digital video camera (Rodriguez: column 11, lines 1-5).

Rodriguez clearly shows all of the limitations recited in claim 20. See all material cited within the specification. Referring to claim 20, Rodriguez describes a remote control system comprising:

- a) A foreign remote control (remote control device) associated with a first device (used to control a DCHT) (Rodriguez: column 2, lines 19-36); and
- b) An image capture system (electronic equipment) that includes a first function that is accessible by a user (Rodriguez: column 2, lines 37-49; column 3, lines 23-25); and

A proxy-based remote control mechanism (DCHT) for receiving commands from the foreign remote control (apparatus and system for receiving speech commands are a remote control device) (Rodriguez: column 2, lines 37-49) and for associating at least one received command with the first function (voice activated commands instructing one or more functions) of the image capture system (electronic equipment) (Rodriguez: column 2, lines 37-49) and storing the association between the received command and the first function in an association table during a training mode (step of comparing at least a portion of the decompressed digitized speech to a dictionary (association table) (Rodriguez: column 2, lines 62-67; column 3, lines 1-8);

Wherein the proxy-based remote control mechanism during operation receives commands from the foreign remote control, decodes the received commands by employing the association table, and allows the foreign remote control to access the function of the image capture system corresponding to the decoded command (Rodriguez: column 2, lines 19-35; column 2, lines 37-49 and lines 62-67; column 3, lines 1-8).

Claim Rejections - 35 USC § 103

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,889,191 to Rodriguez et al. in view U.S. Patent No. 6,400,903 to Conoval.

Regarding claim 16, Rodriguez describes the image capture system of claim 11, but does not teach the image capture system wherein the system includes a docking station for receiving a digital image capture device. Conoval describes a digital camera 2 that attaches to an enclosure 1, which contains the relay controller electronics and modem, by means of mounting screw assembly 3 (Conoval: column 8, lines 41-43). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Rodriguez to include a mounting enclosure (or docking station). One would have been motivated to combine the system of Rodriguez to include a mounting enclosure (or docking station) of Conoval in that data can be transparently streamed between the camera and the relay controller apparatus (docking station) without special consideration of the transmission link characteristics, thereby allowing the camera to output large image data streams in a single uninterrupted, continuous transfer in the same manner as if using a direct camera-to-computer interface (column 5, lines 32-38).

Allowable Subject Matter

6. Claims 2, 3, 4, 5, and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following statement is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the Prior Art fails to teach or suggest the method of claim 1 wherein the foreign remote control further comprises the steps of:

- A_1) enabling the training mode;
- A_2) instructing a user to press a button on the foreign remote control for a predetermined function of the image capture system;
- A_3) the foreign remote control transmitting a command associated with the button;
- A_4) the image capture system receiving the command; and
- A_5) the image capture system associating the received command with the predetermined function of the image capture system.

Claims 3-6 are objected to as being dependant upon the objected claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 571-272-7363. The examiner can normally be reached on 8:00 - 5:00.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro

06/09/2005



DAVID L. OMETZ
PRIMARY EXAMINER